

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**BILLY JONES,**

**Plaintiff,**

**vs.**

**No. 1:13-cv-00741-RB-WPL**

**ESPAÑOLA MUNICIPAL SCHOOL DISTRICT,  
SUPERINTENDENT JANETTE ARCHULETA and  
MARTHA FERNANDEZ,**

**Defendants.**

**Consolidated with**

**BILLY JONES,**

**Plaintiff,**

**vs.**

**No. 1:13-cv-01250-KBM-RHS**

**CHILDREN, YOUTH AND FAMILIES  
DEPARTMENT,**

**Defendants.**

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE  
TO FILE SECOND AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15(a), Plaintiff moves for leave to file his proposed Second Amended Complaint, attached hereto as **Exhibit A**. The amendment further details the factual bases for Plaintiff's claims arising under the First Amendment, the substantive due process clause of the Fourteenth Amendment and the Americans with Disabilities Act against Defendants Española Municipal School District and Superintendent Janet Archuleta. The Second Amended Complaint further omits Plaintiff's Fourteenth Amendment equal protection claim, which the parties have agreed to dismiss with prejudice. The Second Amended Complaint also omits any claims against Defendants Martha Fernandez and the Children, Youth and Families Department, as those claims were previously dismissed by this Court. Document 55,

filed 12/09/14; Document 47, filed 07/29/14. Counsel for the Defendant School District and Archuleta has been contacted regarding the relief requested in this Motion and responded that they do not oppose it on January 19, 2015.

WHEREFORE, Plaintiff requests leave to file the Amended Complaint attached hereto.

Respectfully Submitted,

**KENNEDY LAW FIRM**

**/s/ Joseph P. Kennedy**

Joseph P. Kennedy  
Shannon L. Kennedy  
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I hereby certify that I served the above pleading on all parties by electronically filing it with the CM/ECF system this 20th day of January, 2015.

**/s/ Joseph P. Kennedy**

Joseph P. Kennedy